

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

LUIS MORENO, individually and on behalf of  
others similarly situated,

Plaintiff,

v.

PRAIRIE PIZZA, INC., PATTERSON PIZZA  
COMPANY, LLC, TEAM LINCOLNTON, INC.,  
MP3 PIZZA COMPANY, INC., LRB&B, INC.,  
MOUNTAINEER PIZZA, LLC, MJM PIZZA, LLC,  
and KING KAY, LLC,

Defendants.

CASE NO. 3:19-CV-00532

**DECLARATION OF NANCY A JOHNSON  
REGARDING THE NOTICE PLAN IN  
SUPPORT OF FINAL APPROVAL OF CLASS  
ACTION SETTLEMENT**

Date: July 20, 2021  
Time: 10:00 a.m.  
Judge: Robert J. Conrad, Jr.  
United States District Judge

I, Nancy A. Johnson, being first duly sworn, hereby depose and state:

1. I am the President of CAC Services Group, LLC (“CAC”), located at 6420 Flying Cloud Dr, Suite 101, Eden Prairie, MN. I am over eighteen (18) years of age and I am not a party to the above-captioned action. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. CAC provides a comprehensive range of class and collective action claims administration services. CAC has extensive experience in data processing and acting as third-party administrator in class and collective actions throughout the country.

3. CAC’s class and collective action administration services include: coordination of all notice requirements; design of direct-mail notice, publication of summary notice, emailing notice packets and claim forms; coordination with the U.S. Postal Service; database management; website hosting and management; claims processing; fund management and distribution; and preparation of reports describing notice programs and claims processing.

4. CAC was retained to act, and appointed by this Court to act, as the Claims Administrator for this

action and to date has provided the following services for the above-captioned action:

- a. Providing CAFA notices to the appropriate federal and state government officials, as defined in the Settlement Agreement**
- b. Develop and execute a notice program targeting potential Settlement Class members, as defined in the Settlement Agreement:**

**Settlement Class Member Definition:**

*“All persons who worked for Defendants at Domino’s Pizza stores owned or operated as of January 10, 2020, as delivery drivers at any time during the Release Period (as defined below); excluding those individuals who participated in the settlement in Chenkus et al. v. Prairie Pizza, Inc. d/b/a “Domino’s”, Case No. 3:17-cv-00723-FDW-DCK, who did not work for Defendant after March 5, 2018.”*

The “Release Period” is defined as the period from October 14, 2017, through March 10, 2021.

5. On August 21, 2020, pursuant to 28 U.S.C. 1715(a), CAC mailed CAFA notices to the appropriate federal and state government officials by Certified First Class Mail. A copy of the CAFA notices sent is attached hereto as Exhibit “1”. To date, there were no responses from any of the Attorneys General who were issued the CAFA notices. To the best of my knowledge, Defendants have complied with CAFA and have satisfied all their obligations thereunder.

6. In regard to the notice program, CAC implemented the following notice plan:

- a. Direct notice by first-class mail to all Settlement Class Members whose names and addresses were provided by Defendants.

7. To provide direct and timely notice by first-class mail, CAC performed the following:

- a. On March 19, 2021, CAC received from Defendants an electronic list of four thousand ninety-one (4,091) persons identified as potential Settlement Class members. Defendants provided the following information for each class member: name; last known address; telephone number; social security number; and mileage driven.

- b. The Settlement Class Member List was updated using the National Change of Address system (NCOA), which updates the addresses for all persons who had moved in the previous four years and who had filed a change of address with the U.S. Postal Service;
- c. On April 3, 2021, the Notice of Proposed Class Action Settlement and Claim form was printed, personalized, and inserted into a #10 window envelope (the “Notice Packet”). The Notice Packet was provided to the Settlement Class Members in the English language. The Notice Packet is attached hereto as Exhibit “2”;
- d. On April 3, 2021, four thousand ninety-one (4,091) Notice Packets, comporting with each of the individuals listed on the Settlement Class Member List, were mailed, using first-class postage, at the U.S. Post Office in Eden Prairie, Minnesota;

8. In support of the direct mail Notice Packet, CAC had regular telephone communications with Class Members calling CAC. In general, the purpose of these communications was to:

- a. Transcribe and fulfill the Notice Packet as requested;
  - i. As of the date of this Declaration, four (4) address corrections were received by telephone or correspondence by CAC. The Settlement Class Member List was subsequently updated with the new address and a Notice Packet was re-mailed to said Settlement Class Member at the new addresses.
- b. Answer Settlement Class Member questions about the Notice Packet.

9. As of the date of this Declaration, two (2) Notice Packets have been returned to CAC by the U.S. Postal Service with a forwarding address. The Settlement Class Member List was subsequently updated with the new address and a Notice Packet was re-mailed to said Settlement Class Members at the new addresses.

10. As of the date of this Declaration, five hundred thirty-four (534) Notice Packets have been returned to CAC by the U.S. Postal Service without forwarding addresses. For these Notices Packets, an address search was completed resulting in four hundred seventy-three (473) new addresses. The Settlement Class Member List was subsequently updated with the new addresses and a Notice Packet was re-mailed to these Settlement Class Members at each of the new addresses. As a result of a good faith effort to re-mail return for non-

delivery mail, sixty-one (61) Notice Packets remain classified as undeliverable.

11. As of the date of this Declaration, CAC has received seven hundred ninety-eight (798) Claim Forms. A total of seven hundred eighty-three (783) Settlement Class members (19.14% of the Settlement Class) have filed valid Claim Forms.

12. As of the date of this Declaration, CAC has received two (2) Requests for Exclusion.

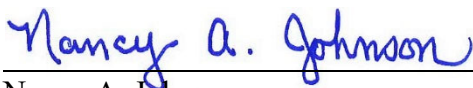
13. As of the date of this Declaration, CAC has received zero (0) Objections.

14. It is my opinion that the above-described notice program is adequate and reasonable under the circumstances. The notice program is consistent with standards previously employed by CAC in notification programs designed to reach known members of settlement groups or classes. Additionally, the implemented notice program is fully compliant with the notice requirements established by North Carolina and federal law, as well as the parties' Settlement Agreement of this Court.

15. Finally, if the settlement is approved by the Court, CAC will make all payment distributions from the Gross Settlement Sum in accordance with terms of the Settlement Agreement or as is otherwise ordered by the Court.

16. As of the date of this Declaration, Settlement administration costs are estimated to be \$23,160.06. However, actual costs shall not exceed \$20,000.00. A copy of CAC's proposed fees and expenses is attached hereto as Exhibit "3".

I declare under penalty of perjury under the laws of the State of North Carolina that the foregoing is true and correct. Executed this 21<sup>st</sup> day of June, 2021.

  
\_\_\_\_\_  
Nancy A. Johnson

# EXHIBIT 1:

## ➤ CAFA Notices



fisherphillips.com

**Charlotte**  
Suite 2020  
227 West Trade Street (28202)  
Post Office Box 36775  
Charlotte, NC 28236  
(704) 334-4565 Tel  
(704) 334-9774 Fax

**Writer's Direct Dial:**  
704-334-4565

**Writer's E-mail:**  
kdalton@fisherphillips.com

**CONFIDENTIAL**

August 21, 2020

**BY CERTIFIED MAIL**

Arizona Attorney General  
Mark Brnovich  
Office of the Attorney General  
2005 N Central Ave  
Phoenix, AZ 80054-2926

RE: *Luis Moreno, individually and on behalf of similarly situated persons v. Prairie Pizza, Inc. et al.*  
**United States District Court, Western District of North Carolina**  
**Case No. 3:19-CV-00532-RJC-DSC**

Dear Mark Brnovich:

This firm represents Defendants Prairie Pizza, Inc., Patterson Pizza Company, LLC, Team Lincolnton, Inc., MP3 Pizza Company, Inc., LRB&B, Inc., Mountaineer Pizza, LLC, MJM Pizza, LLC, and King Kay, LLC in connection with the above-referenced action. This notice is provided on behalf of Defendants pursuant to the provisions of the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715, to advise you of a proposed class action settlement. Please take notice of the following items of information and enclosed materials, which are provided to you pursuant to 28 U.S.C. § 1715(b).

On August 11, 2020, Plaintiff filed a Motion for Preliminary Approval of the Proposed Class Action Settlement in connection with the above-referenced action. The final approval hearing has not yet been set.

As part of this notice, enclosed please find a CD containing copies of the following documents related to this action:

1. Complaint;
2. Amended Complaint;

**Fisher & Phillips LLP**

Atlanta • Baltimore • Bethesda • Boston • Charlotte • Chicago • Cleveland • Columbia • Columbus • Dallas • Denver • Detroit • Fort Lauderdale • Gulfport  
Houston • Irvine • Kansas City • Las Vegas • Los Angeles • Louisville • Memphis • Nashville • New Jersey • New Orleans • New York • Orlando • Philadelphia  
Phoenix • Pittsburgh • Portland • Raleigh • Sacramento • San Diego • San Francisco • Seattle • Tampa • Washington, DC

3. Class Notice and Claim Form;
4. Settlement and Release Agreement;
5. Motion for Preliminary Approval; and
6. Court Order granting Defendants' Motion to File the Settlement Documents Under Seal.<sup>1</sup>

Pursuant to 28 U.S.C. § 1715(b)(7)(A), Defendants are including a spreadsheet with the names and State of last known residence for the 2,665 class members who worked for Defendants through January 8, 2020. Per the Settlement and Release Agreement, this list will be supplemented with information for class members who worked between January 9, 2020, and the date the Court grants preliminary approval of the settlement. Based on last known addresses as reflected in Defendants' records, Defendants estimate that the number of class members residing in each state and their estimated proportionate share of the settlement are as follows:

<u>State</u>	<u>Estimated Number of Class Members</u>	<u>Estimated Proportionate Share of Settlement</u>	<u>State</u>	<u>Estimated Number of Class Members</u>	<u>Estimated Proportionate Share of Settlement</u>
Arizona	1	\$50.00	North Dakota	1	\$50.00
Florida	1	\$50.00	New Jersey	1	\$50.00
Georgia	2	\$227.06	New York	1	\$159.27
Illinois	1	\$50.00	South Carolina	320	\$35,018.35
Massachusetts	1	\$50.00	Tennessee	1	\$54.60
Michigan	1	\$50.00	Virginia	3	\$637.46
Minnesota	1	\$204.48	West Virginia	1	\$50.00
North Carolina	2,329	\$206,244.63			

There are no contemporaneous agreements between class counsel and counsel for Defendants in conjunction with the proposed settlement, other than the enclosed settlement agreement. At this time, there has been no final judgment or notice of dismissal, and there are no written judicial opinions relating to the matters detailed in this notice. If you have questions about this notice, the settlement, or the enclosed materials, or if you did not receive any of the above-listed materials, please contact this office.

Sincerely,

/s/ Kevin J. Dalton

Kevin J. Dalton

Partner

For FISHER & PHILLIPS LLP

<sup>1</sup> Because the Court granted Defendants' unopposed motion to file the Settlement and Release Agreement and class notice and claim form under seal, Defendants would ask that you treat these documents as confidential to the extent possible in your review.



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**Writer's Direct Dial:**  
704-334-4565

**Writer's E-mail:**  
kdalton@fisherphillips.com

**CONFIDENTIAL**

August 21, 2020

**BY CERTIFIED MAIL**

Attorney General for the United States  
William Barr  
Department of Justice  
950 Pennsylvania Ave NW  
Washington, DC 20530

RE: *Luis Moreno, individually and on behalf of similarly situated persons v. Prairie Pizza, Inc. et al.*  
**United States District Court, Western District of North Carolina**  
**Case No. 3:19-CV-00532-RJC-DSC**

Dear William Barr:

This firm represents Defendants Prairie Pizza, Inc., Patterson Pizza Company, LLC, Team Lincolnton, Inc., MP3 Pizza Company, Inc., LRB&B, Inc., Mountaineer Pizza, LLC, MJM Pizza, LLC, and King Kay, LLC in connection with the above-referenced action. This notice is provided on behalf of Defendants pursuant to the provisions of the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715, to advise you of a proposed class action settlement. Please take notice of the following items of information and enclosed materials, which are provided to you pursuant to 28 U.S.C. § 1715(b).

On August 11, 2020, Plaintiff filed a Motion for Preliminary Approval of the Proposed Class Action Settlement in connection with the above-referenced action. The final approval hearing has not yet been set.

As part of this notice, enclosed please find a CD containing copies of the following documents related to this action:

1. Complaint;
2. Amended Complaint;

**Fisher & Phillips LLP**

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Phoenix • Pittsburgh • Portland • Raleigh • Sacramento • San Diego • San Francisco • Seattle • Tampa • Washington, DC



3. Class Notice and Claim Form;
4. Settlement and Release Agreement;
5. Motion for Preliminary Approval; and
6. Court Order granting Defendants' Motion to File the Settlement Documents Under Seal.<sup>1</sup>

Pursuant to 28 U.S.C. § 1715(b)(7)(A), Defendants are including a spreadsheet with the names and State of last known residence for the 2,665 class members who worked for Defendants through January 8, 2020. Per the Settlement and Release Agreement, this list will be supplemented with information for class members who worked between January 9, 2020, and the date the Court grants preliminary approval of the settlement. Based on last known addresses as reflected in Defendants' records, Defendants estimate that the number of class members residing in each state and their estimated proportionate share of the settlement are as follows:

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North Carolina	2,329	\$206,244.63			

There are no contemporaneous agreements between class counsel and counsel for Defendants in conjunction with the proposed settlement, other than the enclosed settlement agreement. At this time, there has been no final judgment or notice of dismissal, and there are no written judicial opinions relating to the matters detailed in this notice. If you have questions about this notice, the settlement, or the enclosed materials, or if you did not receive any of the above-listed materials, please contact this office.

Sincerely,

/s/ Kevin J. Dalton  
Kevin J. Dalton  
Partner  
For FISHER & PHILLIPS LLP

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<sup>1</sup> Because the Court granted Defendants' unopposed motion to file the Settlement and Release Agreement and class notice and claim form under seal, Defendants would ask that you treat these documents as confidential to the extent possible in your review.



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**Writer's Direct Dial:**  
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**Writer's E-mail:**  
kdalton@fisherphillips.com

**CONFIDENTIAL**

August 21, 2020

**BY CERTIFIED MAIL**

Florida Attorney General  
Ashley Moody  
Office of the Attorney General  
The Capitol, PL 01  
Tallahassee, FL 32399

RE: *Luis Moreno, individually and on behalf of similarly situated persons v. Prairie Pizza, Inc. et al.*  
**United States District Court, Western District of North Carolina**  
**Case No. 3:19-CV-00532-RJC-DSC**

Dear Ashley Moody:

This firm represents Defendants Prairie Pizza, Inc., Patterson Pizza Company, LLC, Team Lincolnton, Inc., MP3 Pizza Company, Inc., LRB&B, Inc., Mountaineer Pizza, LLC, MJM Pizza, LLC, and King Kay, LLC in connection with the above-referenced action. This notice is provided on behalf of Defendants pursuant to the provisions of the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715, to advise you of a proposed class action settlement. Please take notice of the following items of information and enclosed materials, which are provided to you pursuant to 28 U.S.C. § 1715(b).

On August 11, 2020, Plaintiff filed a Motion for Preliminary Approval of the Proposed Class Action Settlement in connection with the above-referenced action. The final approval hearing has not yet been set.

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2. Amended Complaint;

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3. Class Notice and Claim Form;
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Pursuant to 28 U.S.C. § 1715(b)(7)(A), Defendants are including a spreadsheet with the names and State of last known residence for the 2,665 class members who worked for Defendants through January 8, 2020. Per the Settlement and Release Agreement, this list will be supplemented with information for class members who worked between January 9, 2020, and the date the Court grants preliminary approval of the settlement. Based on last known addresses as reflected in Defendants' records, Defendants estimate that the number of class members residing in each state and their estimated proportionate share of the settlement are as follows:

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There are no contemporaneous agreements between class counsel and counsel for Defendants in conjunction with the proposed settlement, other than the enclosed settlement agreement. At this time, there has been no final judgment or notice of dismissal, and there are no written judicial opinions relating to the matters detailed in this notice. If you have questions about this notice, the settlement, or the enclosed materials, or if you did not receive any of the above-listed materials, please contact this office.

Sincerely,

/s/ Kevin J. Dalton

Kevin J. Dalton

Partner

For FISHER & PHILLIPS LLP

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**Writer's E-mail:**  
kdalton@fisherphillips.com

**CONFIDENTIAL**

August 21, 2020

**BY CERTIFIED MAIL**

Georgia Attorney General  
Christopher M. Carr  
Office of Consumer Protection  
40 Capitol Square SW  
Atlanta, GA 30334

RE: *Luis Moreno, individually and on behalf of similarly situated persons v. Prairie Pizza, Inc. et al.*  
**United States District Court, Western District of North Carolina**  
**Case No. 3:19-CV-00532-RJC-DSC**

Dear Christopher M. Carr:

This firm represents Defendants Prairie Pizza, Inc., Patterson Pizza Company, LLC, Team Lincolnton, Inc., MP3 Pizza Company, Inc., LRB&B, Inc., Mountaineer Pizza, LLC, MJM Pizza, LLC, and King Kay, LLC in connection with the above-referenced action. This notice is provided on behalf of Defendants pursuant to the provisions of the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715, to advise you of a proposed class action settlement. Please take notice of the following items of information and enclosed materials, which are provided to you pursuant to 28 U.S.C. § 1715(b).

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3. Class Notice and Claim Form;
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Pursuant to 28 U.S.C. § 1715(b)(7)(A), Defendants are including a spreadsheet with the names and State of last known residence for the 2,665 class members who worked for Defendants through January 8, 2020. Per the Settlement and Release Agreement, this list will be supplemented with information for class members who worked between January 9, 2020, and the date the Court grants preliminary approval of the settlement. Based on last known addresses as reflected in Defendants' records, Defendants estimate that the number of class members residing in each state and their estimated proportionate share of the settlement are as follows:

<u>State</u>	<u>Estimated Number of Class Members</u>	<u>Estimated Proportionate Share of Settlement</u>	<u>State</u>	<u>Estimated Number of Class Members</u>	<u>Estimated Proportionate Share of Settlement</u>
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There are no contemporaneous agreements between class counsel and counsel for Defendants in conjunction with the proposed settlement, other than the enclosed settlement agreement. At this time, there has been no final judgment or notice of dismissal, and there are no written judicial opinions relating to the matters detailed in this notice. If you have questions about this notice, the settlement, or the enclosed materials, or if you did not receive any of the above-listed materials, please contact this office.

Sincerely,

/s/ Kevin J. Dalton

Kevin J. Dalton

Partner

For FISHER & PHILLIPS LLP

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<sup>1</sup> Because the Court granted Defendants' unopposed motion to file the Settlement and Release Agreement and class notice and claim form under seal, Defendants would ask that you treat these documents as confidential to the extent possible in your review.



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704-334-4565

**Writer's E-mail:**  
kdalton@fisherphillips.com

**CONFIDENTIAL**

August 21, 2020

**BY CERTIFIED MAIL**

Illinois Attorney General  
Kwame Raoul  
Consumer Fraud Bureau  
500 S Second St  
Springfield, IL 62701

RE: *Luis Moreno, individually and on behalf of similarly situated persons v. Prairie Pizza, Inc. et al.*  
**United States District Court, Western District of North Carolina**  
**Case No. 3:19-CV-00532-RJC-DSC**

Dear Kwame Raoul:

This firm represents Defendants Prairie Pizza, Inc., Patterson Pizza Company, LLC, Team Lincolnton, Inc., MP3 Pizza Company, Inc., LRB&B, Inc., Mountaineer Pizza, LLC, MJM Pizza, LLC, and King Kay, LLC in connection with the above-referenced action. This notice is provided on behalf of Defendants pursuant to the provisions of the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715, to advise you of a proposed class action settlement. Please take notice of the following items of information and enclosed materials, which are provided to you pursuant to 28 U.S.C. § 1715(b).

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1. Complaint;
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3. Class Notice and Claim Form;
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6. Court Order granting Defendants' Motion to File the Settlement Documents Under Seal.<sup>1</sup>

Pursuant to 28 U.S.C. § 1715(b)(7)(A), Defendants are including a spreadsheet with the names and State of last known residence for the 2,665 class members who worked for Defendants through January 8, 2020. Per the Settlement and Release Agreement, this list will be supplemented with information for class members who worked between January 9, 2020, and the date the Court grants preliminary approval of the settlement. Based on last known addresses as reflected in Defendants' records, Defendants estimate that the number of class members residing in each state and their estimated proportionate share of the settlement are as follows:

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Sincerely,

/s/ Kevin J. Dalton

Kevin J. Dalton

Partner

For FISHER & PHILLIPS LLP

---

<sup>1</sup> Because the Court granted Defendants' unopposed motion to file the Settlement and Release Agreement and class notice and claim form under seal, Defendants would ask that you treat these documents as confidential to the extent possible in your review.



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kdalton@fisherphillips.com

**CONFIDENTIAL**

August 21, 2020

**BY CERTIFIED MAIL**

Massachusetts Attorney General  
Maura T. Healey  
Consumer Protection  
One Ashburton PL  
Boston, MA 02108

RE: *Luis Moreno, individually and on behalf of similarly situated persons v. Prairie Pizza, Inc. et al.*  
**United States District Court, Western District of North Carolina**  
**Case No. 3:19-CV-00532-RJC-DSC**

Dear Maura T. Healey:

This firm represents Defendants Prairie Pizza, Inc., Patterson Pizza Company, LLC, Team Lincolnton, Inc., MP3 Pizza Company, Inc., LRB&B, Inc., Mountaineer Pizza, LLC, MJM Pizza, LLC, and King Kay, LLC in connection with the above-referenced action. This notice is provided on behalf of Defendants pursuant to the provisions of the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715, to advise you of a proposed class action settlement. Please take notice of the following items of information and enclosed materials, which are provided to you pursuant to 28 U.S.C. § 1715(b).

On August 11, 2020, Plaintiff filed a Motion for Preliminary Approval of the Proposed Class Action Settlement in connection with the above-referenced action. The final approval hearing has not yet been set.

As part of this notice, enclosed please find a CD containing copies of the following documents related to this action:

1. Complaint;
2. Amended Complaint;

**Fisher & Phillips LLP**

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Phoenix • Pittsburgh • Portland • Sacramento • San Diego • San Francisco • Seattle • Tampa • Washington, DC



3. Class Notice and Claim Form;
4. Settlement and Release Agreement;
5. Motion for Preliminary Approval; and
6. Court Order granting Defendants' Motion to File the Settlement Documents Under Seal.<sup>1</sup>

Pursuant to 28 U.S.C. § 1715(b)(7)(A), Defendants are including a spreadsheet with the names and State of last known residence for the 2,665 class members who worked for Defendants through January 8, 2020. Per the Settlement and Release Agreement, this list will be supplemented with information for class members who worked between January 9, 2020, and the date the Court grants preliminary approval of the settlement. Based on last known addresses as reflected in Defendants' records, Defendants estimate that the number of class members residing in each state and their estimated proportionate share of the settlement are as follows:

<u>State</u>	<u>Estimated Number of Class Members</u>	<u>Estimated Proportionate Share of Settlement</u>	<u>State</u>	<u>Estimated Number of Class Members</u>	<u>Estimated Proportionate Share of Settlement</u>
Arizona	1	\$50.00	North Dakota	1	\$50.00
Florida	1	\$50.00	New Jersey	1	\$50.00
Georgia	2	\$227.06	New York	1	\$159.27
Illinois	1	\$50.00	South Carolina	320	\$35,018.35
Massachusetts	1	\$50.00	Tennessee	1	\$54.60
Michigan	1	\$50.00	Virginia	3	\$637.46
Minnesota	1	\$204.48	West Virginia	1	\$50.00
North Carolina	2,329	\$206,244.63			

There are no contemporaneous agreements between class counsel and counsel for Defendants in conjunction with the proposed settlement, other than the enclosed settlement agreement. At this time, there has been no final judgment or notice of dismissal, and there are no written judicial opinions relating to the matters detailed in this notice. If you have questions about this notice, the settlement, or the enclosed materials, or if you did not receive any of the above-listed materials, please contact this office.

Sincerely,

/s/ Kevin J. Dalton

Kevin J. Dalton

Partner

For FISHER & PHILLIPS LLP

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<sup>1</sup> Because the Court granted Defendants' unopposed motion to file the Settlement and Release Agreement and class notice and claim form under seal, Defendants would ask that you treat these documents as confidential to the extent possible in your review.



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227 West Trade Street (28202)  
Post Office Box 36775  
Charlotte, NC 28236  
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(704) 334-9774 Fax

**Writer's Direct Dial:**  
704-334-4565

**Writer's E-mail:**  
kdalton@fisherphillips.com

**CONFIDENTIAL**

August 21, 2020

**BY CERTIFIED MAIL**

Michigan Attorney General  
Dana Messel  
Consumer Protection Division  
525 W Ottawa St  
Lansing, MI 48933

RE: *Luis Moreno, individually and on behalf of similarly situated persons v. Prairie Pizza, Inc. et al.*  
**United States District Court, Western District of North Carolina**  
**Case No. 3:19-CV-00532-RJC-DSC**

Dear Dana Messel:

This firm represents Defendants Prairie Pizza, Inc., Patterson Pizza Company, LLC, Team Lincolnton, Inc., MP3 Pizza Company, Inc., LRB&B, Inc., Mountaineer Pizza, LLC, MJM Pizza, LLC, and King Kay, LLC in connection with the above-referenced action. This notice is provided on behalf of Defendants pursuant to the provisions of the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715, to advise you of a proposed class action settlement. Please take notice of the following items of information and enclosed materials, which are provided to you pursuant to 28 U.S.C. § 1715(b).

On August 11, 2020, Plaintiff filed a Motion for Preliminary Approval of the Proposed Class Action Settlement in connection with the above-referenced action. The final approval hearing has not yet been set.

As part of this notice, enclosed please find a CD containing copies of the following documents related to this action:

1. Complaint;
2. Amended Complaint;

**Fisher & Phillips LLP**

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3. Class Notice and Claim Form;
4. Settlement and Release Agreement;
5. Motion for Preliminary Approval; and
6. Court Order granting Defendants' Motion to File the Settlement Documents Under Seal.<sup>1</sup>

Pursuant to 28 U.S.C. § 1715(b)(7)(A), Defendants are including a spreadsheet with the names and State of last known residence for the 2,665 class members who worked for Defendants through January 8, 2020. Per the Settlement and Release Agreement, this list will be supplemented with information for class members who worked between January 9, 2020, and the date the Court grants preliminary approval of the settlement. Based on last known addresses as reflected in Defendants' records, Defendants estimate that the number of class members residing in each state and their estimated proportionate share of the settlement are as follows:

<u>State</u>	<u>Estimated Number of Class Members</u>	<u>Estimated Proportionate Share of Settlement</u>	<u>State</u>	<u>Estimated Number of Class Members</u>	<u>Estimated Proportionate Share of Settlement</u>
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Minnesota	1	\$204.48	West Virginia	1	\$50.00
North Carolina	2,329	\$206,244.63			

There are no contemporaneous agreements between class counsel and counsel for Defendants in conjunction with the proposed settlement, other than the enclosed settlement agreement. At this time, there has been no final judgment or notice of dismissal, and there are no written judicial opinions relating to the matters detailed in this notice. If you have questions about this notice, the settlement, or the enclosed materials, or if you did not receive any of the above-listed materials, please contact this office.

Sincerely,

/s/ Kevin J. Dalton

Kevin J. Dalton

Partner

For FISHER & PHILLIPS LLP

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<sup>1</sup> Because the Court granted Defendants' unopposed motion to file the Settlement and Release Agreement and class notice and claim form under seal, Defendants would ask that you treat these documents as confidential to the extent possible in your review.



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**Writer's Direct Dial:**  
704-334-4565

**Writer's E-mail:**  
kdalton@fisherphillips.com

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August 21, 2020

**BY CERTIFIED MAIL**

Minnesota Attorney General  
Keith Ellison  
Consumer Protection  
445 Minnesota St Ste 1400  
St Paul, MN 55101

RE: *Luis Moreno, individually and on behalf of similarly situated persons v. Prairie Pizza, Inc. et al.*  
**United States District Court, Western District of North Carolina**  
**Case No. 3:19-CV-00532-RJC-DSC**

Dear Keith Ellison:

This firm represents Defendants Prairie Pizza, Inc., Patterson Pizza Company, LLC, Team Lincolnton, Inc., MP3 Pizza Company, Inc., LRB&B, Inc., Mountaineer Pizza, LLC, MJM Pizza, LLC, and King Kay, LLC in connection with the above-referenced action. This notice is provided on behalf of Defendants pursuant to the provisions of the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715, to advise you of a proposed class action settlement. Please take notice of the following items of information and enclosed materials, which are provided to you pursuant to 28 U.S.C. § 1715(b).

On August 11, 2020, Plaintiff filed a Motion for Preliminary Approval of the Proposed Class Action Settlement in connection with the above-referenced action. The final approval hearing has not yet been set.

As part of this notice, enclosed please find a CD containing copies of the following documents related to this action:

1. Complaint;
2. Amended Complaint;

**Fisher & Phillips LLP**

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3. Class Notice and Claim Form;
4. Settlement and Release Agreement;
5. Motion for Preliminary Approval; and
6. Court Order granting Defendants' Motion to File the Settlement Documents Under Seal.<sup>1</sup>

Pursuant to 28 U.S.C. § 1715(b)(7)(A), Defendants are including a spreadsheet with the names and State of last known residence for the 2,665 class members who worked for Defendants through January 8, 2020. Per the Settlement and Release Agreement, this list will be supplemented with information for class members who worked between January 9, 2020, and the date the Court grants preliminary approval of the settlement. Based on last known addresses as reflected in Defendants' records, Defendants estimate that the number of class members residing in each state and their estimated proportionate share of the settlement are as follows:

<u>State</u>	<u>Estimated Number of Class Members</u>	<u>Estimated Proportionate Share of Settlement</u>	<u>State</u>	<u>Estimated Number of Class Members</u>	<u>Estimated Proportionate Share of Settlement</u>
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Minnesota	1	\$204.48	West Virginia	1	\$50.00
North Carolina	2,329	\$206,244.63			

There are no contemporaneous agreements between class counsel and counsel for Defendants in conjunction with the proposed settlement, other than the enclosed settlement agreement. At this time, there has been no final judgment or notice of dismissal, and there are no written judicial opinions relating to the matters detailed in this notice. If you have questions about this notice, the settlement, or the enclosed materials, or if you did not receive any of the above-listed materials, please contact this office.

Sincerely,

/s/ Kevin J. Dalton

Kevin J. Dalton

Partner

For FISHER & PHILLIPS LLP

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<sup>1</sup> Because the Court granted Defendants' unopposed motion to file the Settlement and Release Agreement and class notice and claim form under seal, Defendants would ask that you treat these documents as confidential to the extent possible in your review.



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**Writer's E-mail:**  
kdalton@fisherphillips.com

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August 21, 2020

**BY CERTIFIED MAIL**

New Jersey Attorney General  
Gurgir S Grewal  
Division of Consumer Affairs  
25 Market St, PO Box 080  
Trenton, NJ 08625

RE: *Luis Moreno, individually and on behalf of similarly situated persons v. Prairie Pizza, Inc. et al.*  
**United States District Court, Western District of North Carolina**  
**Case No. 3:19-CV-00532-RJC-DSC**

Dear Gurgir S Grewal:

This firm represents Defendants Prairie Pizza, Inc., Patterson Pizza Company, LLC, Team Lincolnton, Inc., MP3 Pizza Company, Inc., LRB&B, Inc., Mountaineer Pizza, LLC, MJM Pizza, LLC, and King Kay, LLC in connection with the above-referenced action. This notice is provided on behalf of Defendants pursuant to the provisions of the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715, to advise you of a proposed class action settlement. Please take notice of the following items of information and enclosed materials, which are provided to you pursuant to 28 U.S.C. § 1715(b).

On August 11, 2020, Plaintiff filed a Motion for Preliminary Approval of the Proposed Class Action Settlement in connection with the above-referenced action. The final approval hearing has not yet been set.

As part of this notice, enclosed please find a CD containing copies of the following documents related to this action:

1. Complaint;
2. Amended Complaint;

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3. Class Notice and Claim Form;
4. Settlement and Release Agreement;
5. Motion for Preliminary Approval; and
6. Court Order granting Defendants' Motion to File the Settlement Documents Under Seal.<sup>1</sup>

Pursuant to 28 U.S.C. § 1715(b)(7)(A), Defendants are including a spreadsheet with the names and State of last known residence for the 2,665 class members who worked for Defendants through January 8, 2020. Per the Settlement and Release Agreement, this list will be supplemented with information for class members who worked between January 9, 2020, and the date the Court grants preliminary approval of the settlement. Based on last known addresses as reflected in Defendants' records, Defendants estimate that the number of class members residing in each state and their estimated proportionate share of the settlement are as follows:

<u>State</u>	<u>Estimated Number of Class Members</u>	<u>Estimated Proportionate Share of Settlement</u>	<u>State</u>	<u>Estimated Number of Class Members</u>	<u>Estimated Proportionate Share of Settlement</u>
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Minnesota	1	\$204.48	West Virginia	1	\$50.00
North Carolina	2,329	\$206,244.63			

There are no contemporaneous agreements between class counsel and counsel for Defendants in conjunction with the proposed settlement, other than the enclosed settlement agreement. At this time, there has been no final judgment or notice of dismissal, and there are no written judicial opinions relating to the matters detailed in this notice. If you have questions about this notice, the settlement, or the enclosed materials, or if you did not receive any of the above-listed materials, please contact this office.

Sincerely,

/s/ Kevin J. Dalton

Kevin J. Dalton

Partner

For FISHER & PHILLIPS LLP

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<sup>1</sup> Because the Court granted Defendants' unopposed motion to file the Settlement and Release Agreement and class notice and claim form under seal, Defendants would ask that you treat these documents as confidential to the extent possible in your review.



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**Writer's E-mail:**  
kdalton@fisherphillips.com

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August 21, 2020

**BY CERTIFIED MAIL**

New York Attorney General  
Letitia James  
Bureau of Consumer Fraud and Protection  
120 Broadway, 3rd FL  
New York, NY 10271

RE: *Luis Moreno, individually and on behalf of similarly situated persons v. Prairie Pizza, Inc. et al.*  
**United States District Court, Western District of North Carolina**  
**Case No. 3:19-CV-00532-RJC-DSC**

Dear Letitia James:

This firm represents Defendants Prairie Pizza, Inc., Patterson Pizza Company, LLC, Team Lincolnton, Inc., MP3 Pizza Company, Inc., LRB&B, Inc., Mountaineer Pizza, LLC, MJM Pizza, LLC, and King Kay, LLC in connection with the above-referenced action. This notice is provided on behalf of Defendants pursuant to the provisions of the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715, to advise you of a proposed class action settlement. Please take notice of the following items of information and enclosed materials, which are provided to you pursuant to 28 U.S.C. § 1715(b).

On August 11, 2020, Plaintiff filed a Motion for Preliminary Approval of the Proposed Class Action Settlement in connection with the above-referenced action. The final approval hearing has not yet been set.

As part of this notice, enclosed please find a CD containing copies of the following documents related to this action:

1. Complaint;
2. Amended Complaint;

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3. Class Notice and Claim Form;
4. Settlement and Release Agreement;
5. Motion for Preliminary Approval; and
6. Court Order granting Defendants' Motion to File the Settlement Documents Under Seal.<sup>1</sup>

Pursuant to 28 U.S.C. § 1715(b)(7)(A), Defendants are including a spreadsheet with the names and State of last known residence for the 2,665 class members who worked for Defendants through January 8, 2020. Per the Settlement and Release Agreement, this list will be supplemented with information for class members who worked between January 9, 2020, and the date the Court grants preliminary approval of the settlement. Based on last known addresses as reflected in Defendants' records, Defendants estimate that the number of class members residing in each state and their estimated proportionate share of the settlement are as follows:

<u>State</u>	<u>Estimated Number of Class Members</u>	<u>Estimated Proportionate Share of Settlement</u>	<u>State</u>	<u>Estimated Number of Class Members</u>	<u>Estimated Proportionate Share of Settlement</u>
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Minnesota	1	\$204.48	West Virginia	1	\$50.00
North Carolina	2,329	\$206,244.63			

There are no contemporaneous agreements between class counsel and counsel for Defendants in conjunction with the proposed settlement, other than the enclosed settlement agreement. At this time, there has been no final judgment or notice of dismissal, and there are no written judicial opinions relating to the matters detailed in this notice. If you have questions about this notice, the settlement, or the enclosed materials, or if you did not receive any of the above-listed materials, please contact this office.

Sincerely,

/s/ Kevin J. Dalton

Kevin J. Dalton

Partner

For FISHER & PHILLIPS LLP

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<sup>1</sup> Because the Court granted Defendants' unopposed motion to file the Settlement and Release Agreement and class notice and claim form under seal, Defendants would ask that you treat these documents as confidential to the extent possible in your review.



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704-334-4565

**Writer's E-mail:**  
kdalton@fisherphillips.com

**CONFIDENTIAL**

August 21, 2020

**BY CERTIFIED MAIL**

North Carolina Attorney General  
Josh Stein  
Consumer Protection Division  
Mail Service Center 9001  
Raleigh, NC 27699

RE: *Luis Moreno, individually and on behalf of similarly situated persons v. Prairie Pizza, Inc. et al.*  
**United States District Court, Western District of North Carolina**  
**Case No. 3:19-CV-00532-RJC-DSC**

Dear Josh Stein:

This firm represents Defendants Prairie Pizza, Inc., Patterson Pizza Company, LLC, Team Lincolnton, Inc., MP3 Pizza Company, Inc., LRB&B, Inc., Mountaineer Pizza, LLC, MJM Pizza, LLC, and King Kay, LLC in connection with the above-referenced action. This notice is provided on behalf of Defendants pursuant to the provisions of the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715, to advise you of a proposed class action settlement. Please take notice of the following items of information and enclosed materials, which are provided to you pursuant to 28 U.S.C. § 1715(b).

On August 11, 2020, Plaintiff filed a Motion for Preliminary Approval of the Proposed Class Action Settlement in connection with the above-referenced action. The final approval hearing has not yet been set.

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1. Complaint;
2. Amended Complaint;

**Fisher & Phillips LLP**

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3. Class Notice and Claim Form;
4. Settlement and Release Agreement;
5. Motion for Preliminary Approval; and
6. Court Order granting Defendants' Motion to File the Settlement Documents Under Seal.<sup>1</sup>

Pursuant to 28 U.S.C. § 1715(b)(7)(A), Defendants are including a spreadsheet with the names and State of last known residence for the 2,665 class members who worked for Defendants through January 8, 2020. Per the Settlement and Release Agreement, this list will be supplemented with information for class members who worked between January 9, 2020, and the date the Court grants preliminary approval of the settlement. Based on last known addresses as reflected in Defendants' records, Defendants estimate that the number of class members residing in each state and their estimated proportionate share of the settlement are as follows:

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There are no contemporaneous agreements between class counsel and counsel for Defendants in conjunction with the proposed settlement, other than the enclosed settlement agreement. At this time, there has been no final judgment or notice of dismissal, and there are no written judicial opinions relating to the matters detailed in this notice. If you have questions about this notice, the settlement, or the enclosed materials, or if you did not receive any of the above-listed materials, please contact this office.

Sincerely,

/s/ Kevin J. Dalton

Kevin J. Dalton

Partner

For FISHER & PHILLIPS LLP

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<sup>1</sup> Because the Court granted Defendants' unopposed motion to file the Settlement and Release Agreement and class notice and claim form under seal, Defendants would ask that you treat these documents as confidential to the extent possible in your review.



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**Writer's E-mail:**  
kdalton@fisherphillips.com

**CONFIDENTIAL**

August 21, 2020

**BY CERTIFIED MAIL**

North Dakota Attorney General  
Wayne Stenehjem  
Consumer Protection and Antitrust Division  
600 E Blvd Ave  
Bismark, ND 58505

RE: *Luis Moreno, individually and on behalf of similarly situated persons v. Prairie Pizza, Inc. et al.*  
**United States District Court, Western District of North Carolina**  
**Case No. 3:19-CV-00532-RJC-DSC**

Dear Wayne Stenehjem:

This firm represents Defendants Prairie Pizza, Inc., Patterson Pizza Company, LLC, Team Lincolnton, Inc., MP3 Pizza Company, Inc., LRB&B, Inc., Mountaineer Pizza, LLC, MJM Pizza, LLC, and King Kay, LLC in connection with the above-referenced action. This notice is provided on behalf of Defendants pursuant to the provisions of the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715, to advise you of a proposed class action settlement. Please take notice of the following items of information and enclosed materials, which are provided to you pursuant to 28 U.S.C. § 1715(b).

On August 11, 2020, Plaintiff filed a Motion for Preliminary Approval of the Proposed Class Action Settlement in connection with the above-referenced action. The final approval hearing has not yet been set.

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1. Complaint;
2. Amended Complaint;

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3. Class Notice and Claim Form;
4. Settlement and Release Agreement;
5. Motion for Preliminary Approval; and
6. Court Order granting Defendants' Motion to File the Settlement Documents Under Seal.<sup>1</sup>

Pursuant to 28 U.S.C. § 1715(b)(7)(A), Defendants are including a spreadsheet with the names and State of last known residence for the 2,665 class members who worked for Defendants through January 8, 2020. Per the Settlement and Release Agreement, this list will be supplemented with information for class members who worked between January 9, 2020, and the date the Court grants preliminary approval of the settlement. Based on last known addresses as reflected in Defendants' records, Defendants estimate that the number of class members residing in each state and their estimated proportionate share of the settlement are as follows:

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There are no contemporaneous agreements between class counsel and counsel for Defendants in conjunction with the proposed settlement, other than the enclosed settlement agreement. At this time, there has been no final judgment or notice of dismissal, and there are no written judicial opinions relating to the matters detailed in this notice. If you have questions about this notice, the settlement, or the enclosed materials, or if you did not receive any of the above-listed materials, please contact this office.

Sincerely,

/s/ Kevin J. Dalton

Kevin J. Dalton

Partner

For FISHER & PHILLIPS LLP

---

<sup>1</sup> Because the Court granted Defendants' unopposed motion to file the Settlement and Release Agreement and class notice and claim form under seal, Defendants would ask that you treat these documents as confidential to the extent possible in your review.



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**Writer's E-mail:**  
kdalton@fisherphillips.com

**CONFIDENTIAL**

August 21, 2020

**BY CERTIFIED MAIL**

South Carolina Attorney General  
Alan Wilson  
Consumer Protection and Antitrust Division  
1000 Assembly St, RM 519  
Columbia, SC 29201

RE: *Luis Moreno, individually and on behalf of similarly situated persons v. Prairie Pizza, Inc. et al.*  
**United States District Court, Western District of North Carolina**  
**Case No. 3:19-CV-00532-RJC-DSC**

Dear Alan Wilson:

This firm represents Defendants Prairie Pizza, Inc., Patterson Pizza Company, LLC, Team Lincolnton, Inc., MP3 Pizza Company, Inc., LRB&B, Inc., Mountaineer Pizza, LLC, MJM Pizza, LLC, and King Kay, LLC in connection with the above-referenced action. This notice is provided on behalf of Defendants pursuant to the provisions of the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715, to advise you of a proposed class action settlement. Please take notice of the following items of information and enclosed materials, which are provided to you pursuant to 28 U.S.C. § 1715(b).

On August 11, 2020, Plaintiff filed a Motion for Preliminary Approval of the Proposed Class Action Settlement in connection with the above-referenced action. The final approval hearing has not yet been set.

As part of this notice, enclosed please find a CD containing copies of the following documents related to this action:

1. Complaint;
2. Amended Complaint;

**Fisher & Phillips LLP**

Atlanta • Baltimore • Bethesda • Boston • Charlotte • Chicago • Cleveland • Columbia • Columbus • Dallas • Denver • Detroit • Fort Lauderdale • Gulfport  
Houston • Irvine • Kansas City • Las Vegas • Los Angeles • Louisville • Memphis • Nashville • New Jersey • New Orleans • New York • Orlando • Philadelphia  
Phoenix • Pittsburgh • Portland • Sacramento • San Diego • San Francisco • Seattle • Tampa • Washington, DC

3. Class Notice and Claim Form;
4. Settlement and Release Agreement;
5. Motion for Preliminary Approval; and
6. Court Order granting Defendants' Motion to File the Settlement Documents Under Seal.<sup>1</sup>

Pursuant to 28 U.S.C. § 1715(b)(7)(A), Defendants are including a spreadsheet with the names and State of last known residence for the 2,665 class members who worked for Defendants through January 8, 2020. Per the Settlement and Release Agreement, this list will be supplemented with information for class members who worked between January 9, 2020, and the date the Court grants preliminary approval of the settlement. Based on last known addresses as reflected in Defendants' records, Defendants estimate that the number of class members residing in each state and their estimated proportionate share of the settlement are as follows:

<u>State</u>	<u>Estimated Number of Class Members</u>	<u>Estimated Proportionate Share of Settlement</u>	<u>State</u>	<u>Estimated Number of Class Members</u>	<u>Estimated Proportionate Share of Settlement</u>
Arizona	1	\$50.00	North Dakota	1	\$50.00
Florida	1	\$50.00	New Jersey	1	\$50.00
Georgia	2	\$227.06	New York	1	\$159.27
Illinois	1	\$50.00	South Carolina	320	\$35,018.35
Massachusetts	1	\$50.00	Tennessee	1	\$54.60
Michigan	1	\$50.00	Virginia	3	\$637.46
Minnesota	1	\$204.48	West Virginia	1	\$50.00
North Carolina	2,329	\$206,244.63			

There are no contemporaneous agreements between class counsel and counsel for Defendants in conjunction with the proposed settlement, other than the enclosed settlement agreement. At this time, there has been no final judgment or notice of dismissal, and there are no written judicial opinions relating to the matters detailed in this notice. If you have questions about this notice, the settlement, or the enclosed materials, or if you did not receive any of the above-listed materials, please contact this office.

Sincerely,

/s/ Kevin J. Dalton

Kevin J. Dalton

Partner

For FISHER & PHILLIPS LLP

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<sup>1</sup> Because the Court granted Defendants' unopposed motion to file the Settlement and Release Agreement and class notice and claim form under seal, Defendants would ask that you treat these documents as confidential to the extent possible in your review.



fisherphillips.com

**Charlotte**  
Suite 2020  
227 West Trade Street (28202)  
Post Office Box 36775  
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**Writer's Direct Dial:**  
704-334-4565

**Writer's E-mail:**  
kdalton@fisherphillips.com

**CONFIDENTIAL**

August 21, 2020

**BY CERTIFIED MAIL**

Tennessee Attorney General  
Herbert H. Slatery III  
Division of Consumer Affairs  
PO Box 20207  
Nashville, TN 37202

RE: *Luis Moreno, individually and on behalf of similarly situated persons v. Prairie Pizza, Inc. et al.*  
**United States District Court, Western District of North Carolina**  
**Case No. 3:19-CV-00532-RJC-DSC**

Dear Herbert H. Slatery III:

This firm represents Defendants Prairie Pizza, Inc., Patterson Pizza Company, LLC, Team Lincolnton, Inc., MP3 Pizza Company, Inc., LRB&B, Inc., Mountaineer Pizza, LLC, MJM Pizza, LLC, and King Kay, LLC in connection with the above-referenced action. This notice is provided on behalf of Defendants pursuant to the provisions of the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715, to advise you of a proposed class action settlement. Please take notice of the following items of information and enclosed materials, which are provided to you pursuant to 28 U.S.C. § 1715(b).

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5. Motion for Preliminary Approval; and
6. Court Order granting Defendants' Motion to File the Settlement Documents Under Seal.<sup>1</sup>

Pursuant to 28 U.S.C. § 1715(b)(7)(A), Defendants are including a spreadsheet with the names and State of last known residence for the 2,665 class members who worked for Defendants through January 8, 2020. Per the Settlement and Release Agreement, this list will be supplemented with information for class members who worked between January 9, 2020, and the date the Court grants preliminary approval of the settlement. Based on last known addresses as reflected in Defendants' records, Defendants estimate that the number of class members residing in each state and their estimated proportionate share of the settlement are as follows:

<u>State</u>	<u>Estimated Number of Class Members</u>	<u>Estimated Proportionate Share of Settlement</u>	<u>State</u>	<u>Estimated Number of Class Members</u>	<u>Estimated Proportionate Share of Settlement</u>
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There are no contemporaneous agreements between class counsel and counsel for Defendants in conjunction with the proposed settlement, other than the enclosed settlement agreement. At this time, there has been no final judgment or notice of dismissal, and there are no written judicial opinions relating to the matters detailed in this notice. If you have questions about this notice, the settlement, or the enclosed materials, or if you did not receive any of the above-listed materials, please contact this office.

Sincerely,

/s/ Kevin J. Dalton

Kevin J. Dalton

Partner

For FISHER & PHILLIPS LLP

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<sup>1</sup> Because the Court granted Defendants' unopposed motion to file the Settlement and Release Agreement and class notice and claim form under seal, Defendants would ask that you treat these documents as confidential to the extent possible in your review.



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**Writer's E-mail:**  
kdalton@fisherphillips.com

**CONFIDENTIAL**

August 21, 2020

**BY CERTIFIED MAIL**

Virginia Attorney General  
Mark R. Herring  
Office of Consumer Affairs  
202 North Ninth St  
Richmond, VA 23219

RE: *Luis Moreno, individually and on behalf of similarly situated persons v. Prairie Pizza, Inc. et al.*  
**United States District Court, Western District of North Carolina**  
**Case No. 3:19-CV-00532-RJC-DSC**

Dear Mark R. Herring:

This firm represents Defendants Prairie Pizza, Inc., Patterson Pizza Company, LLC, Team Lincolnton, Inc., MP3 Pizza Company, Inc., LRB&B, Inc., Mountaineer Pizza, LLC, MJM Pizza, LLC, and King Kay, LLC in connection with the above-referenced action. This notice is provided on behalf of Defendants pursuant to the provisions of the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715, to advise you of a proposed class action settlement. Please take notice of the following items of information and enclosed materials, which are provided to you pursuant to 28 U.S.C. § 1715(b).

On August 11, 2020, Plaintiff filed a Motion for Preliminary Approval of the Proposed Class Action Settlement in connection with the above-referenced action. The final approval hearing has not yet been set.

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3. Class Notice and Claim Form;
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6. Court Order granting Defendants' Motion to File the Settlement Documents Under Seal.<sup>1</sup>

Pursuant to 28 U.S.C. § 1715(b)(7)(A), Defendants are including a spreadsheet with the names and State of last known residence for the 2,665 class members who worked for Defendants through January 8, 2020. Per the Settlement and Release Agreement, this list will be supplemented with information for class members who worked between January 9, 2020, and the date the Court grants preliminary approval of the settlement. Based on last known addresses as reflected in Defendants' records, Defendants estimate that the number of class members residing in each state and their estimated proportionate share of the settlement are as follows:

<u>State</u>	<u>Estimated Number of Class Members</u>	<u>Estimated Proportionate Share of Settlement</u>	<u>State</u>	<u>Estimated Number of Class Members</u>	<u>Estimated Proportionate Share of Settlement</u>
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There are no contemporaneous agreements between class counsel and counsel for Defendants in conjunction with the proposed settlement, other than the enclosed settlement agreement. At this time, there has been no final judgment or notice of dismissal, and there are no written judicial opinions relating to the matters detailed in this notice. If you have questions about this notice, the settlement, or the enclosed materials, or if you did not receive any of the above-listed materials, please contact this office.

Sincerely,

/s/ Kevin J. Dalton

Kevin J. Dalton

Partner

For FISHER & PHILLIPS LLP

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<sup>1</sup> Because the Court granted Defendants' unopposed motion to file the Settlement and Release Agreement and class notice and claim form under seal, Defendants would ask that you treat these documents as confidential to the extent possible in your review.



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kdalton@fisherphillips.com

**CONFIDENTIAL**

August 21, 2020

**BY CERTIFIED MAIL**

West Virginia Attorney General  
Patrick Morrissey  
Consumer Protection Division  
State Capitol Complex, Bldg.1, Room E-26  
Charleston, WV 25305

RE: *Luis Moreno, individually and on behalf of similarly situated persons v. Prairie Pizza, Inc. et al.*  
**United States District Court, Western District of North Carolina**  
**Case No. 3:19-CV-00532-RJC-DSC**

Dear Patrick Morrissey:

This firm represents Defendants Prairie Pizza, Inc., Patterson Pizza Company, LLC, Team Lincolnton, Inc., MP3 Pizza Company, Inc., LRB&B, Inc., Mountaineer Pizza, LLC, MJM Pizza, LLC, and King Kay, LLC in connection with the above-referenced action. This notice is provided on behalf of Defendants pursuant to the provisions of the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715, to advise you of a proposed class action settlement. Please take notice of the following items of information and enclosed materials, which are provided to you pursuant to 28 U.S.C. § 1715(b).

On August 11, 2020, Plaintiff filed a Motion for Preliminary Approval of the Proposed Class Action Settlement in connection with the above-referenced action. The final approval hearing has not yet been set.

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1. Complaint;
2. Amended Complaint;

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3. Class Notice and Claim Form;
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6. Court Order granting Defendants' Motion to File the Settlement Documents Under Seal.<sup>1</sup>

Pursuant to 28 U.S.C. § 1715(b)(7)(A), Defendants are including a spreadsheet with the names and State of last known residence for the 2,665 class members who worked for Defendants through January 8, 2020. Per the Settlement and Release Agreement, this list will be supplemented with information for class members who worked between January 9, 2020, and the date the Court grants preliminary approval of the settlement. Based on last known addresses as reflected in Defendants' records, Defendants estimate that the number of class members residing in each state and their estimated proportionate share of the settlement are as follows:

<u>State</u>	<u>Estimated Number of Class Members</u>	<u>Estimated Proportionate Share of Settlement</u>	<u>State</u>	<u>Estimated Number of Class Members</u>	<u>Estimated Proportionate Share of Settlement</u>
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There are no contemporaneous agreements between class counsel and counsel for Defendants in conjunction with the proposed settlement, other than the enclosed settlement agreement. At this time, there has been no final judgment or notice of dismissal, and there are no written judicial opinions relating to the matters detailed in this notice. If you have questions about this notice, the settlement, or the enclosed materials, or if you did not receive any of the above-listed materials, please contact this office.

Sincerely,

/s/ Kevin J. Dalton

Kevin J. Dalton

Partner

For FISHER & PHILLIPS LLP

---

<sup>1</sup> Because the Court granted Defendants' unopposed motion to file the Settlement and Release Agreement and class notice and claim form under seal, Defendants would ask that you treat these documents as confidential to the extent possible in your review.

## EXHIBIT 2:

- Notice of Class Action Settlement
- Claim Form

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:19-cv-00532-RJC-DSC**

<b>LUIS MORENO</b> , individually and on behalf	)
of similarly situated persons,	)
	)
Plaintiff,	)
	)
v.	)
	)
<b>PRAIRIE PIZZA, INC.</b>	)
<b>d/b/a “Domino’s”, et al.,</b>	)
	)
Defendant.	)

**NOTICE OF CLASS AND COLLECTIVE ACTION SETTLEMENT  
AND FINAL FAIRNESS HEARING**

<b>PLEASE READ THIS ENTIRE NOTICE CAREFULLY. YOUR RIGHTS MAY BE AFFECTED BY THE PROPOSED SETTLEMENT DESCRIBED IN THIS NOTICE.</b>
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**TO: All persons who worked for Prairie Pizza, Inc., Patterson Pizza Company, LLC, Team Lincolnton, Inc., MP3 Pizza Company, Inc., LRB&B, Inc., Mountaineer Pizza, LLC, MJM Pizza, LLC, or King Kay, LLC at their Domino’s Pizza stores as delivery drivers at any time during the Release Period (as defined below).**

On March 10, 2021, the Court granted preliminary approval of a proposed settlement as set forth in a Settlement and Release Agreement (“Settlement Agreement”).

The Class Representative and Class Counsel (as defined below) believe the proposed settlement is fair, adequate, and reasonable and in the best interest of the Settlement Class. This Notice informs you of the proposed settlement and its terms and your rights to participate in the proposed settlement, to object to the terms of the proposed settlement, or to exclude yourself from the proposed settlement. This Notice also explains how you can obtain more information about the settlement.

**I. SUMMARY OF THE LAWSUIT**

Plaintiff Luis Moreno (“Plaintiff”) and Defendants, Prairie Pizza, Inc., Patterson Pizza Company, LLC, Team Lincolnton, Inc., MP3 Pizza Company, Inc., LRB&B, Inc., Mountaineer Pizza, LLC, MJM Pizza, LLC, and King Kay, LLC (“Defendants”), are parties to *Moreno et al. v. Prairie Pizza, Inc. et al.*, Civil Action No. 3:19-cv-00532-RJC-DSC (the “Lawsuit”), which is pending in the United States District Court for the Western District of North Carolina, Charlotte Division (the “Court”). Plaintiff’s allegations include that Defendants underpaid their delivery drivers (“drivers”) by not reimbursing their drivers a sufficient amount for their expenses incurred in driving their personal vehicles while delivering pizzas on behalf of Defendants, which caused their net wages to fall below the minimum wage. This settlement resolves the claims of Plaintiff against Defendants and includes delivery drivers who worked for Defendants during the Release Period (as defined below).

Defendants have denied (and continue to deny) each and every allegation by Plaintiff and contend that Plaintiff and the members of the Settlement Class were provided all compensation as required by law. The attorneys for the parties hereto have conducted substantial investigation in connection with this Lawsuit and have researched the legal and factual issues relating to the claims and defenses that are contained in the Lawsuit.

The Parties reached an agreement after several rounds of settlement negotiations and mediation before a class-action mediator. The Court has preliminarily approved the settlement agreement.

## II. CLASS DEFINITION

The Lawsuit is being settled as a class action. In a class action, the Plaintiff, also referred to as Class Representative, sues on behalf of herself and other persons with similar claims. The Court has preliminarily certified a class under federal and North Carolina and South Carolina wage and hour law and preliminarily approved the settlement.

The class that the Court has preliminarily certified, for settlement purposes only (the “Settlement Class”), is defined as follows:

**All persons who worked for Defendants at Domino’s Pizza stores owned or operated as of January 10, 2020, as delivery drivers at any time during the Release Period (as defined below); excluding those individuals who participated in the settlement in *Chenkus et al. v. Prairie Pizza, Inc. d/b/a “Domino’s”*, Case No. 3:17-cv-00723-FDW-DCK, who did not work for Defendant after March 5, 2018.**

The “Release Period” is defined as the period from October 14, 2017, through March 10, 2021.

**If the Court finally approves the settlement, the settlement will bind all members of the Settlement Class who have not excluded themselves from the Settlement Class.** (You will have the opportunity to exclude yourself from the Settlement Class pursuant to the procedure described below.) The Court has not yet made a final determination that the Lawsuit could be litigated as a class action. If the Court does not approve this settlement, the preliminary class certification will have no effect or precedential value in any subsequent proceedings in the Lawsuit or in any other litigation.

## III. CLASS REPRESENTATIVE AND CLASS COUNSEL

The Court has appointed Plaintiff, Luis Moreno, as Class Representative to represent the Settlement Class. The Court has appointed the following attorneys to represent the Settlement Class as Class Counsel:

Jay Forester, Esq.  
Forester Haynie PLLC  
400 N. St. Paul Street, Suite 700  
Dallas, Texas 75201  
(214) 210-2100  
info@foresterhaynie.com

Jacob J. Modla, Esq.  
The Law Offices of Jason E. Taylor  
454 S. Anderson Road, Suite 303  
Rock Hill, South Carolina 29730  
(803) 328-0898  
jmodla@jasonetaylor.com

## IV. SETTLEMENT AMOUNT

The proposed settlement obligates Defendants to pay up to a potential maximum settlement amount (referred to in the Settlement Agreement as the “Maximum Settlement Amount”) of Six Hundred Forty-Nine Thousand Six Hundred Twelve and 52/100 Dollars (\$649,612.52). This maximum payment is “all inclusive.” It includes, but is not limited to: alleged unpaid reimbursements, alleged unpaid minimum wage pay, alleged unpaid overtime pay, any and all associated penalties, interest, costs, attorneys’ fees, claims administration costs, a service award to the Class Representative, and all other settlement-related payments and costs.



Under no condition will Defendants' liability for payments exceed the Maximum Settlement Amount. All claims submitted by members of the Settlement Class and all attorneys' fees, costs, penalties, service awards to Class Representative, and claims administration expenses shall be paid out of the Maximum Settlement Amount. The members of the Settlement Class will be responsible for their own tax obligations, if any.

## **V. SETTLEMENT ADMINISTRATOR**

The settlement process will be administered by CAC Services Group, LLC ("Administrator"), an experienced class action claims administrator.

## **VI. THE CLAIMS PROCESS**

Enclosed with this Notice you will find a Claim Form. **If you do not properly complete and return the Claim Form in a timely manner, and do not exclude yourself from the Settlement, you will receive a minimum payment of \$50.00.** You may receive additional funds if you timely complete and return the enclosed Claim Form.

**THE CLAIM FORM MUST BE COMPLETED, SIGNED UNDER PENALTY OF PERJURY, AND RETURNED TO THE ADMINISTRATOR BY MAIL, FAX, OR EMAIL AT THE ADDRESSES/NUMBER SET FORTH BELOW WITHIN 60 DAYS OF THE DATE THAT THIS NOTICE AND THE CLAIM FORM WERE MAILED TO YOU. THEREFORE, FOR YOUR CLAIM TO BE CONSIDERED TIMELY, YOUR CLAIM FORM MUST BE POSTMARKED OR RECEIVED NO LATER THAN JUNE 2, 2021. CLAIMS POSTMARKED OR RECEIVED AFTER THAT DATE WILL BE DEEMED UNTIMELY AND YOU WILL NOT RECEIVE YOUR SETTLEMENT SHARE AND WILL STILL BE BOUND BY THE SETTLEMENT.**

Claim Forms must be mailed, faxed, or emailed to:

CAC Services Group, LLC  
6420 Flying Cloud Drive, Suite 101  
Eden Prairie, MN 55344  
Telephone: 866-602-2260  
Fax: 888-495-9746  
Email: [info@cacsg.com](mailto:info@cacsg.com)

Please follow the directions on the enclosed Claim Form and Release carefully. If you require claims administration assistance, please contact the class administrator above.

## **VII. RELEASE AND WAIVER**

If the Court fully and finally approves the settlement, then all members of the Class who do not opt-out shall be bound by the following release:

Upon the Effective Date of the Settlement, the Class Representative and the Participating Class Members will release and forever discharge Defendants, and each of their former and present predecessors, successors, parents, subsidiaries, franchisors, insurers, and affiliates, whatever their current or former legal names or legal entity status, and each of their respective current and former owners, officers, directors, employees, partners, shareholders, and agents, and any other successors, assigns, or legal representatives ("Released Parties"), from any and all claims, rights, demands, liabilities, and causes of action of every nature and description, whether known or unknown, for the limitations period dating back to three years prior to the date the Court grants preliminary approval ("Release Period"), including claims arising out of, based on, or encompassed by facts asserted in the action, including claims that arise under the FLSA, North Carolina and South Carolina wage and hour laws, or any similar federal, state, municipal, or

local laws, such as mileage reimbursement claims; meal and rest break claims; and dual jobs claims. Without limiting the generality of the foregoing, the claim preclusion effect of this Settlement, and the judgment thereon, for *res judicata* purposes shall be co-extensive with this release of claims (collectively, the “Released Claims”). The Released Claims shall not include claims related to misclassification as an exempt employee.

## **VIII. ATTORNEYS’ FEES AND COSTS/CLAIMS ADMINISTRATION COSTS**

It is customary for courts to award to class counsel attorneys’ fees based upon a percentage of the potential maximum settlement amount for the benefit of a class. In this case, Class Counsel has requested an award of fees, costs and expenses up to Three Hundred Forty-One Thousand Six Hundred Sixty-Six and 67/100 Dollars (\$341,666.67), which constitutes thirty-three percent (33%) the Total Settlement Amount of One Million Twenty-Five Thousand and 00/100 Dollars (\$1,025,000.00). These fees, costs and expenses, if approved by the court, will be paid out of the Maximum Settlement Amount. Additionally, all costs incurred in administering the settlement shall be paid from the Maximum Settlement Amount, up to Twenty Thousand and 00/100 Dollars (\$20,000.00).

## **IX. SERVICE AWARD**

Plaintiff will request the Court to approve a collective service award totaling Five Thousand and 00/100 Dollars (\$5,000.00) to be paid to the Class Representative who performed services in assisting with this Lawsuit and settlement from the Maximum Settlement Amount (the “Service Award”). This award is in addition to the payment to the Class Representative of his share of the settlement as a member of the Settlement Class and compensates him for the time, effort and risk in pursuing this Lawsuit on behalf of the Settlement Class. In additional consideration for this payment, the Class Representative will agree to a separate general release in favor of Defendants.

## **X. CALCULATION OF PAYMENTS**

The total amount of the “Potential Settlement Payments” available for distribution to the Settlement Class shall equal the Maximum Settlement Amount minus the total of (i) Class Counsel’s approved fees and costs, (ii) the approved Service Award; (iii) administration costs; and (iv) the Reserve Fund Amount (“Settlement Fund”).

The amount available for distribution to each member of the Settlement Class shall be calculated as follows:

**A. Potential Settlement Payments:** Potential settlement payments shall be calculated as follows:

1. For each Settlement Class Member, the total number of his or her recorded miles driven for Defendants during the Release Period shall be his/her “Individual Miles.” The aggregate of all Individual Miles shall be the “Settlement Class Miles”.
2. Each Settlement Class Member’s Individual Miles shall be divided by the Settlement Class Miles to obtain his/her “Payment Ratio.”
3. Each Settlement Class Member’s Payment Ratio shall be multiplied by the amount of the Net Settlement Fund to arrive at his/her Potential Settlement Payment.

**B. Establishment of Claim Funds:** There shall be claim funds established for Settlement Class Members, as described below.

1. **FLSA Claim Fund:** The FLSA Claim Fund shall not exceed One Hundred Forty-Two Thousand Three Hundred Eighty-Eight and 35/100 Dollars (\$142,388.35) (based on a 27.5% estimated participation rate of the Net Settlement Amount less minimum payments to absent class members). In the event

the claims amount exceeds the FLSA Claim Fund, up to Twenty Thousand and 00/100 Dollars (\$20,000.00) from the Reserve Fund will be added to the FLSA Claim Fund to cover additional claims. Settlement Class Members who submit a claim will receive their Potential Settlement Payment, unless the claims exceed the FLSA Claim Fund, in which case they will receive a *pro rata* share of the FLSA Claim Fund, with a minimum payment of Fifty and 00/100 Dollars (\$50.00), based on miles driven. Any funds remaining after the Notice Period will be held in the Reserve Fund to be made available for late claimants and contingencies (such as additional claims administration costs) for the Reserve Fund Period.

2. Rule 23 Fund: The Rule 23 Fund shall not exceed One Hundred Thousand Five Hundred Fifty-Seven and 50/100 Dollars (\$100,557.50) (calculated based on a \$50.00 minimum payment to Settlement Class Members who do not file a claim, based on an estimated 27.5% claim participation rate). Settlement Class Members who do not submit a claim, but do not exclude themselves (opt-out) from the settlement, will receive a minimum payment of Fifty and 00/100 Dollars (\$50.00) to be paid out of the Rule 23 Fund. Any checks unclaimed after one hundred eighty (180) calendar days will be held in the Reserve Fund to be available for late claimants and contingencies (such as additional claims administration costs) for the Reserve Fund Period.

3. Reserve Fund: The Reserve Fund shall not exceed Forty Thousand and 00/100 Dollars (\$40,000.00) to be paid out of the Total Settlement Amount, accounting for the use of Reserve Fund amounts to cover additional claims, or the addition of any funds from the FLSA Claim Fund or the Rule 23 Fund that remain unclaimed as described above, to be held in QSF for Late Opt-Ins and contingencies (such as additional claims administration costs). Late Opt-Ins will receive their Potential Settlement Payment (reduced proportionally by the remaining time on the Late Opt-In's FLSA statute of limitations) less the minimum payment previously received, unless such payments exceed the Reserve Fund, in which case Late Opt-Ins will receive a *pro rata* share of the remainder of the Reserve Fund at the time the claim is made. Any funds remaining after the Reserve Fund Period will be retained by Defendant.

C. Confidentiality: If you decide to submit a claim and join this Lawsuit, or you cash or otherwise negotiate a settlement check, you will be required to keep your individualized settlement amount strictly confidential, and shall not discuss, refer to or communicate to third parties or any other person or entity, or in any way publicize, disclose, distribute, discuss or disseminate your individualized settlement amount to anyone other than your spouse, tax advisor, or legal counsel.

D. Defendants' Right to Void Settlement: If 10% or more of the Settlement Class Members opt out of the settlement, Defendants shall have the option of voiding the settlement in their sole discretion. If that occurs, no money will be paid out and the Parties will revert to their respective positions before the settlement occurred.

E. Taxes: Settlement payments will be treated as 50% expense reimbursement and 50% payment for liquidated damages, so no taxes will be deducted. However, Settlement Class Members will be responsible for reporting and paying any federal, state and/or local taxes that may be due on these payments, if any. You should consult with your own tax advisor regarding your unique tax situation upon receipt of the funds.

F. Payment of Settlement Funds Will Not Be Considered By Defendants As Having Any Effect on Any Employee Benefit Plan and Similar Plans: The payment to any member of the Class as provided for in this Settlement shall not be considered by Defendants to form the basis for additional contributions to, additional benefits under, or any other additional entitlements under any employee benefit plan, employment policy, or stock option plan of or sponsored by Defendants or any of its present or former parent corporations or affiliates or any jointly trusted benefit plans.

## **XI. FINAL FAIRNESS HEARING**

A hearing (the "Final Fairness Hearing") has been scheduled on July 20, 2021, at 10:00 a.m., before the Court, at the U.S. District Court for the Western District of North Carolina, Charlotte Division, located at 401 West Trade Street, Charlotte, North Carolina, 28202, at which time the Court will determine: (1) whether the

proposed settlement should be approved as fair, reasonable and adequate to members of the Class; (2) whether the application of Class Counsel for an award of attorneys' fees and expenses should be approved and in what amount; and (3) whether the application for a service award for the Class Representative should be approved and in what amount; and (4) whether a proposed Final Approval Order should be entered, dismissing the Lawsuit with prejudice.

### **You Are Not Required to Attend The Final Fairness Hearing.**

You are welcome to attend the Final Fairness Hearing at your own expense. If you do not exclude yourself from the settlement, you may request permission to speak at the Final Fairness Hearing or you may hire your own attorney at your own expense to speak at the Final Fairness Hearing. If you want to speak at the Final Fairness Hearing, and you do not exclude yourself from the settlement, you must request permission from the Court. To do so, send a letter to the Court (at the address set forth above in this Section of this Notice) with a copy to Class Counsel and Defendants' Counsel (at the addresses set forth in Section XIII of this Notice) no later than 30 days after mailing date, requesting permission to speak at the Final Fairness Hearing. Such letter should be signed and should contain a brief statement of the position that you wish to put before the Court at the Final Fairness Hearing and the basis for that position. The Court may, or may not, grant the request.

## **XII. RIGHT TO BE EXCLUDED FROM THE SETTLEMENT**

You may exclude yourself from the Class. If you wish to be excluded from this Settlement, you will not receive any share of the settlement and you will retain all rights you have against Defendants. To be excluded, you must submit an Exclusion Letter to the settlement claims administrator within 60 days of this mailing, by June 2, 2021. To be valid, the Exclusion Letter must provide your name, address, email address, telephone number, a statement clearly indicating your desire to opt-out of the settlement, and your signature. If you wish to exclude yourself, you must timely send the above-described letter to:

CAC Services Group, LLC  
6420 Flying Cloud Drive, Suite 101  
Eden Prairie, MN 55344  
Telephone: 866-602-2260  
Fax: 888-495-9746

To be timely, your opt-out statement must be postmarked or sent no later than June 2, 2021, and your Exclusion Letter must be signed and notarized.

**Any Settlement Class Member who does not submit a valid and timely Exclusion Letter shall be bound by all the terms and conditions of the settlement, including, without limitation, the releases provided for in the Settlement Agreement and any Final Judgment entered by the Court, whether or not that member of the Settlement Class submits a Claim Form and Release.**

## **XIII. RIGHT TO OBJECT TO SETTLEMENT**

You have the right to object to the settlement. However, you may not do so if you have opted to exclude yourself as a member of the Settlement Class (as provided in the preceding Section XII). If you have not excluded yourself as a member of the Settlement Class and you wish to object to the settlement, you must file with the Court and serve on Class Counsel and Defendants' counsel (at the addresses set forth below), no later than June 2, 2021, a written statement indicating your name, address and telephone number; stating your objection to the settlement and the basis for your objection, along with any and all documents that support your objection. No member of the Settlement Class shall be entitled to be heard at the Final Fairness Hearing or to object to the settlement, and no written objections or briefs submitted by any member of the Settlement Class shall be received or considered by the Court at the Final Fairness Hearing, unless written notice of the member of the Class' intention to appear at the Final Fairness Hearing, and copies of any written objections or briefs, have been filed with the Court and served on Class Counsel and Defendants' counsel on or before June 2, 2021, as follows:

### Class Counsel

Jay Forester, Esq.  
Forester Haynie PLLC  
400 N. St. Paul Street, Suite 700  
Dallas, Texas 75201  
(214) 210-2100  
info@foresterhaynie.com

Jacob J. Modla, Esq.  
The Law Offices of Jason E. Taylor  
454 S. Anderson Road, Suite 303  
Rock Hill, South Carolina 29730  
(803) 328-0898  
jmodla@jasonetaylor.com

### Defendants' Counsel

Kevin J. Dalton, Esq.  
Fisher & Phillips LLP  
227 West Trade Street, Suite 2020  
Charlotte, North Carolina 28202  
(704) 334-4565  
kdalton@fisherphillips.com

Members of the Settlement Class who fail to file and serve timely written objections in the manner specified above shall be deemed to have waived any objections to the settlement and shall forever be foreclosed from making any objection (whether by appeal or otherwise) to the settlement, or any aspect of the settlement, including, without limitation, the fairness, reasonableness or adequacy of the proposed settlement, or any award of attorneys' fees or reimbursement of costs and expenses.

## **XIV. SUMMARY OF OPTIONS**

As a member of the Settlement Class, you have the following options:

1. **Remain a Member of the Settlement Class.** If you do not exclude yourself from the Settlement Class, you will remain a member of the Settlement Class, you will be bound by the Settlement Agreement, you will be eligible to receive a cash payment, and you will give up the claims that are released by the Settlement Agreement. If you are a member of the Settlement Class and want to receive a payment from the FLSA Claim Fund, you must timely submit a valid, completed, signed Claim Form and Release. If you do not exclude yourself from the Class but do not submit a valid, completed, signed Claim Form and Release, you will receive a cash payment of Fifty and 00/100 Dollars (\$50.00), and will release all claims as set forth herein, whether or not you cash your settlement check.

2. **Object to the Settlement.** You are entitled to submit a written objection to the settlement. If the Settlement Agreement is approved after your objection, you will remain a member of the Settlement Class, will receive a cash payment as described above, and will give up the claims that are released by the Settlement Agreement.

3. **Exclude Yourself From the Settlement Class.** You are entitled to exclude yourself from the Settlement Class by timely submitting a valid, completed, signed Exclusion Letter. If you exclude yourself from the Settlement Class, you will not receive any cash payment or any other benefits from the settlement. You will retain all of the claims that will be released by members of the Settlement Class.

## **XV. REMINDER OF IMPORTANT SETTLEMENT DATES AND DEADLINES**

The following are important dates and deadlines under the proposed settlement:

<u>Objection Deadline:</u>	June 2, 2021
<u>Exclusion Deadline:</u>	June 2, 2021
<u>Proof of Claim Deadline:</u>	June 2, 2021
<u>Final Fairness Hearing:</u>	July 20, 2021

## **XVI. ADDITIONAL INFORMATION**

For more detailed information concerning the matters involved in the Lawsuit, please refer to the pleadings, the Orders entered in the Lawsuit, and to the other papers filed in the Lawsuit.

Any questions concerning the matters contained in this Notice may be directed to Class Counsel (at the address set forth above in Section III of this Notice). You may also seek the advice and counsel of your own attorney, at your own expense, if you desire.

**Do Not Call or Write the Court to Obtain Copies of Documents  
Or To Ask Questions About The Settlement.**

### **INSTRUCTIONS REGARDING CLAIM FORM AND RELEASE**

IF YOU ARE A SETTLEMENT CLASS MEMBER, YOU MUST COMPLETE, SIGN, AND MAIL (OR FAX OR EMAIL) THIS FORM ("CLAIM FORM") BY FIRST-CLASS U.S. MAIL, POSTAGE PREPAID (OR FACSIMILE OR EMAIL) TO CAC SERVICES GROUP, LLC ON OR BEFORE JUNE 2, 2021, ADDRESSED AS FOLLOWS, IN ORDER TO RECEIVE A PAYMENT FROM THE FLSA CLAIM FUND.

MAIL, FAX, or EMAIL TO:

CAC Services Group, LLC  
6420 Flying Cloud Drive, Suite 101  
Eden Prairie, MN 55344  
Telephone: (866) 602-2260  
Fax: 888-495-9746  
Email: info@cacsg.com

1. Please complete and sign this Claim Form and Release and mail, e-mail or fax it to the addresses or facsimile number listed above in order to be eligible for payment from the Settlement.
2. If your address has changed, please provide your new address to the claims administrator who may be reached at the number and address provided above.



**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:19-cv-00532-RJC-DSC**

<ClaimID> <Barcode>  
<Firstname> <Lastname>  
<Address>  
<City> <State> <Zip>

<b>LUIS MORENO</b> , individually and on behalf	)
of similarly situated persons,	)
	)
Plaintiff,	)
	)
v.	)
	)
<b>PRAIRIE PIZZA, INC.</b>	)
d/b/a “Domino’s”, et al.,	)
	)
Defendant.	)

**SETTLEMENT CLAIM FORM**

I agree to be bound by the Settlement Agreement negotiated by Class Counsel in this case. I irrevocably and unconditionally waive, release, extinguish, acquit, and forever discharge any claim I may or might have against Defendants or any of the Released Parties during the Release Period (as defined by the Settlement Agreement) from any and all claims, rights, demands, liabilities, and causes of action of every nature and description, whether known or unknown, for the limitations period dating back to three years prior to the date the Court grants preliminary approval (“Release Period”), including claims arising out of, based on, or encompassed by facts asserted in the action, including claims that arise under the FLSA, North Carolina and South Carolina wage and hour laws, or any similar federal, state, municipal, or local laws, such as mileage reimbursement claims; meal and rest break claims; and dual jobs claims. Without limiting the generality of the foregoing, the claim preclusion effect of this Settlement, and the judgment thereon, for *res judicata* purposes shall be co-extensive with this release of claims (collectively, the “Released Claims”). The Released Claims shall not include claims related to misclassification as an exempt employee.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Last 4 Digits of SSN  
(for identification purposes only)

\_\_\_\_\_  
Current Address (if changed since notice)

## EXHIBIT 3:

### ➤ CAC's Proposed Fees & Expenses



## PROPOSED FEES & EXPENSES

RE: **Moreno v. Prairie Pizza**  
 Proposal Dated: **June 21, 2021**  
 CAC SERVICES GROUP - CONFIDENTIAL

### Key Assumptions

<b>Class Size - Class Members</b>		100.00%	4,091	Persons
<b>Notification</b>				
Direct Mail	(% of Total Class)	100.00%	4,091	Pieces
<b>Returned Mail Processing</b>				
Returned for Non-Delivery (RFND)	(% of Total Class)	13.05%	534	Pieces
Address Change Post Office (ACPO)	(% of Total Class)	0.05%	2	Pieces
Address Change Correspondence (ACCO)	(% of Total Class)	0.10%	4	Pieces
Exclusion / Opt Out	(% of Total Class)	0.05%	2	Pieces
<b>Claim Form Processing</b>				
Claim Forms Received	(% of Total Class)	19.51%	798	Pieces
<b>Distribution</b>				
Payments - Valid Claims	(% of Total Class - Opt Outs)	99.95%	4,089	Pieces

Program Requirements	Estimated Quantity	Units	Per Unit	Cost	Estimated Total
<b>Program Set-Up &amp; Reporting</b>					\$ 350.00
Class Member Database	1	N/A	\$ 350.00	\$ 350.00	
<b>Direct Mail Notification</b>					\$ 5,095.55
CAFA Notice	1	N/A	\$ 650.00	\$ 650.00	
NCOA / CASS / LACS Processing	1	N/A	\$ 150.00	\$ 150.00	
Notice Package	4,091	Pcs	\$ 1.050	\$ 4,295.55	
<i>The notice package includes the following:</i>					
▶ 50# 8.5" x 11" Notice (8 pages)		▶ #9 BRM Envelope			
▶ 50# 8.5" x 11" Claim Form (1 pages)		▶ #10 Window Envelope			
<b>Returned Mail Processing</b>					\$ 1,294.53
<b>Notices Returned for Non-Delivery (RFND)</b>					
Process RFND Mail	534	Pcs	\$ 0.250	\$ 133.50	
Skip Trace RFND Mail	534	Pcs	\$ 0.750	\$ 400.50	
Re-print Notice Package	473	Pcs	\$ 1.575	\$ 744.98	
<i>Estimate: 89% of RFND is traceable</i>					
<b>Notices returned as Address Change Post Office (ACPO)</b>					
Process ACPO Mail	2	Pcs	\$ 0.350	\$ 0.70	
Re-print Notice Package	2	Pcs	\$ 1.575	\$ 3.15	
<b>Address Change Correspondence (ACCO)</b>					
Process ACPO Mail	4	Pcs	\$ 0.350	\$ 1.40	
Re-print Notice Package	4	Pcs	\$ 1.575	\$ 6.30	
<b>Receive Request for Exclusion</b>					
Process Request for Exclusion	2	Pcs	\$ 2.000	\$ 4.00	
<b>Claims Processing</b>					\$ 997.50
Receive, Process and Validate Claim Forms	798	Pcs	\$ 1.250	\$ 997.50	



Other Project-Related Costs	Units	Cost
FedEx / UPS Shipments	N/A	At Cost
Photocopies	Per Copy	\$ 0.15
Storage of 1.2 Cubic Foot Boxes	Box/Month	\$ 0.75
Removal and Secured Destruction of 1.2 Cubic Foot Boxes	Per Box	\$ 3.00
Project-Related Materials	N/A	At Cost
Other Case-Related Out-of-Pocket Expenses	N/A	At Cost

Other CAC Services <sup>3)</sup>	Hourly Rate
Principal Consultant	\$ 150.00
Senior Consultant	\$ 140.00
Technical Consultant	\$ 135.00
Project Manager	\$ 125.00
Project Supervisor	\$ 80.00
Support Staff	\$ 60.00

**Notes:**

- 1) Postage is estimated and will be qualified for automation discounts.
- 2) The grand total reflects the estimated quantities of individual tasks performed. Should the actual quantities differ from the estimated quantities of tasks performed, the grand total (billable amount) will reflect such changes. Estimates were based on the assumptions listed above.
- 3) Fees for project-related services, other than what is covered elsewhere in this proposal, will be charged at CAC's standard hourly rate shown above. The above rates are effective as of June 2021. The rates are subject to possible revision on an annual basis, during the contract period, to allow for possible hourly rate changes.

